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Rick L. Allison

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25297

7590

04/11/2003

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DURHAM, NC 27707

EXAMINER

SHARMA, SUJATHA R

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 04/11/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/649,461

**Applicant(s)**

ALLISON ET AL.

**Examiner**

Sujatha Sharma

**Art Unit**

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36,39-49 and 52-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36,39-49 and 52-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 13.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-32 and 34-59 are rejected under 35 U.S.C. 102(b) as being anticipated by Baker [US 6,505,046].

Regarding claim 1,13,14,25-27 and 56, Baker discloses a method and apparatus for distributing location based messages in a wireless communication network. Baker further discloses a method where a plurality of call signaling messages is received at a telecommunication network element (WSN). Baker further discloses a method where WSN screens the call signaling messages based on atleast one parameter in mobile call to retrieve the location of the subscriber. See Fig.3 and column 6, line 1- column 7, line 50, column 8, lines 17-25. Baker further discloses a method where based on the parameter received, a location change is generated and sent to SMSC which further generates an SMS message and send it to the subscriber. See column 6, lines 17-24, column 8, lines 11-42.

Regarding claims 5, 6, 18 and 19, Baker further discloses HLR identification and VLR identification as one of the message parameters used to generate the change in location indication message. See column 8, lines 11-25.

Regarding claims 7-9 and 20-22, Baker further discloses the message parameters to include mobile identification number (MIN) and also the MSCID. See column 8, lines 11-25.

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Regarding claims 11, 12, 24 and 25, Baker further discloses the SMS message to be either an information message or a welcome message. See column 8, lines 30-36, lines 61-65.

Regarding claim 32, the change in location of the subscriber is generated and sent to SMSC. See column 8, lines 38-42.

Regarding claims 34-36, 39,40 and 45-49, Baker further discloses the network architecture where the first network element, HLR/VLR/ or another central office of the network, receives a plurality of call signaling messages. Further Baker discloses a message-processing platform WSN associated with the first network element that is adapted to correlate and examine the parameters of the mobile call signaling message and generate a notification to the subscriber by means of SMS. See Fig.3 and column 6, line 1- column 7, line 50, column 8, lines 11-42.

Regarding claims 41 and 52, Baker further discloses that owners of the subscriber's HLR and the first network element are not the same. See Fig.3 and column 6, lines 1-61.

Regarding claims 53,54 Baker further discloses message-processing platform contained within the first network element WSN. See column 6, lines 1-61 and Fig.3

Regarding claims 42-44,55,57 and 58, Baker further discloses message-processing platform WSN associated with the first network element that is adapted to correlate and examine the parameters of the mobile call signaling message and generate a notification to the subscriber by means of SMS. See Fig.3 and column 6, line 1- column 7, line 50, column 8, lines 11-42.

Regarding claim 59, Jung further discloses protocol recording devices 18 and 19, which are used to gather signaling data from the message-processing platform. See Fig.2 and pages 4 and 5.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2-4 and 15-17, 60-63, are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker [US 6,505,046] in view of Brown [EP 710 043 A1].

Regarding claims 2-4 and 15-17, Baker as treated in claim 1 does not disclose a method of receiving call signaling message processed by means of MAP and updating location request. Brown further discloses a method of location updates using MAP protocol. Background of invention, summary of invention, column 4, line 65- column 5, line 12, column 6, lines 35-56 and column 7, lines 10-34.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Baker with the above teaching from Brown in order to ensure up-to-date location information is maintained on mobile stations.

Regarding claims 60-63, Brown further teaches the method of call routing from a signal transfer point to appropriate destination based on call signaling messages. See column 5, line 49- column 6, line 10 and column 6, lines 50-56.

5. Claim 10, 23, 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker [US 6,505,046] in view of Jung [DE 198 05 261 A].

Regarding claims 10 and 23, Baker does not disclose the date and time as one of the message parameters. See pages 3 and 6.

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Jung teaches the use of date and time as one of the message parameters. See pages 3 and 6.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Baker with the above teaching from Jung in order to ensure an accurate up-to-date location information is maintained on mobile stations.

Regarding claim 28, Jung further discloses a method to determine if the subscriber is in a foreign network based on HLRID and VLRID. See abstract.

Regarding claims 29 and 30, Jung further discloses a method where the correlation process for the mobile call signaling messages continues when subscriber roams in a foreign network and further the correlation process is stopped when the subscriber is not roaming in the foreign network. See pages 3-6.

Regarding claim 31, Jung further discloses a method where by a simple determination mechanism, notifications may be generated or suppressed depending on further stays of the roamer in the VPLMN. See page 6.

6. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baker [US 6,505,046] in view of Brown [EP 710 043 A1].

Baker as treated in claim 26, does not disclose a method where the location update record is discarded after failing to produce call signaling messages to complete update location record in a given time.

Brown discloses a method where the location update message is sent periodically within a pre-determined amount of time. See page 7, lines 27-34.

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Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Baker with the above teaching from Brown in order to ensure up-to-date location information is maintained on mobile stations.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-36, 39-49, 52-63 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 703-305-5298. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone numbers for the organization where this application or proceeding is assigned and for all official communications is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.

  
Sujatha Sharma  
March 20, 2003

  
VIVIAN CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

3/21/03